

REMARKS

The Office Action mailed October 23, 2006 has been carefully considered. Applicants wish to thank the Examiner for the effort in evaluating this application and the helpful comments about the claim language.

Claims 1, 3-5, 8, 11-13 and 15 are pending in this application. Claims 1 and 8 are currently amended with this response. The Applicant reserves the right to pursue any cancelled subject matter in a Divisional or Continuation application.

By the present amendment, it is believed that the amended claims have overcome the examiner's rejections as detailed in the following remarks.

Claim Rejections – 35 USC §112

Claims 1 and 8 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. These claims have been rejected under the assertion that the recitation of “substituted”, “solvates”, “prodrugs” and “biosiosteres” are employed throughout claims 1 and 8 “with no indication given as to what the substituents, solvates, prodrugs and biosiosteres really are.” While not agreeing with the rejections of these recitations, the claims have now been amended with this response in order to more clearly point out and distinctly claim the subject matter of the invention. By the current amendment, the list of possible substitutions for “aryl” and “heteroaryl” in the definition of “Het” in claim 1 has been incorporated into the claim from the specification. The “substitutions” for “aryl” are described in the specification as optional substitutions from page 7 at lines 19 to 29. The “substitutions” for “heteroaryl” are described on page 10 at lines 9 to 23. The term “ester prodrug” is described in the specification on page 11 at lines 16-20. The term “hydrate” is described in the specification on page 11 at lines 22-27. In each case, the description provided in the specification is complete enough to allow a person skilled in the art to carry out the claimed invention. Accordingly, the standards of In re Wands and In re Fouché have been met. Withdrawal of the rejection is respectfully requested.

Claims 1 and 8 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 8 were previously amended to clarify the use of the terms indicated by the Examiner as being indefinite. Specifically, "prodrugs" was replaced with "ester prodrug" for which support is found in the specification on page 11 at lines 16-20. The recitations of "solvents" in the claims were replaced with "hydrate" for which support is found in the specification on page 11 at lines 22-27. These amendments are in agreement with suggestions made by the Examiner in a telephone message left for the undersigned at 9:14 am, on April 18, 2007. Accordingly, the assertion made by the Office that "...one cannot tell from a simple reading of the claims what is being claimed." is overcome. A reading of the rejected claims in light of the specification would be clear to a person having ordinary skill in the art, with such a person knowing readily what compound would fall within the scope of these claims. The current amendment of claim 8 also removes a redundant recitation of the word "defined". Furthermore, claims 1 and 8 have been amended in accord with the kind suggestions of the Examiner to change the use of "and" to "or" at the end of the claims. Withdrawal of the rejection is respectfully requested.

The present amendments are believed to introduce no new matter, support for the amendments being found at the places indicated in the specification.


Claims 1 and 8 are now considered allowable. Claims 3-5, 11-13 and 15 are now allowable as being dependant upon allowable claims.

In view of the foregoing discussion, it is believed that all the pending claims, as amended, fully comply with the legal requirements for allowance. Reconsideration and allowance of the application with pending claims are earnestly solicited.

Enclosed herewith is a Petition under 37 C.F.R. § 1.136(a) to extend the time for response for three months, or until April 23, 2007. It is believed that no additional fees and charges are required at this time in connection with the application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No.18-1982.

If prosecution could be furthered by a telephone discussion, the Examiner is invited to call the undersigned practitioner at the number provided below.

Respectfully submitted,


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